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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

In re the Marriage of DEBRA ANN and
JEFFREY S. STAUFFER.

DEBRA ANN STAUFFER,

Respondent,

v.

JEFFREY S. STAUFFER,

Appellant.

D052976

(Super. Ct. No. DN122167)

APPEAL from an order of the Superior Court of San Diego County, William S.

Dato, Judge. Dismissed as moot.

In this third appeal in this dissolution of marriage case, Jeffrey appeals from the court's order determining arrears owing to Debra.¹ However, as Jeffrey acknowledges in his opening brief, his success on this appeal is dependent upon our reversal of the court's

¹ We refer to the parties by their first names based upon custom in family law matters. (*In re Marriage of Smith* (1990) 225 Cal.App.3d 469, 475, fn. 1.) We intend no disrespect.

orders on the first appeal (*In re Marriage of Stauffer* (Dec. 19, 2008, D051010 [nonpub. opn.]) (case No. D051010) and the second appeal (*In re Marriage of Stauffer* (Jan. 26, 2009, D051883) [nonpub. opn.]) (case No. D051883).² Accordingly, because we affirmed the court's orders in the first two appeals, we dismiss the third appeal as moot.

DISCUSSION

An appeal becomes moot when, through no fault of the respondent, the occurrence of an event renders it impossible for the appellate court to grant the appellant effective relief. (*Eye Dog Foundation v. State Board of Guide Dogs for the Blind* (1967) 67 Cal.2d 536, 541; *In re Jessica K.* (2000) 79 Cal.App.4th 1313, 1315-1316.) "[T]he duty of this court, as of every other judicial tribunal, is to decide actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue in the case before it. It necessarily follows that when, pending an appeal from the judgment of a lower court, and without any fault of the defendant, an event occurs which renders it impossible for this court, if it should decide the case in favor of plaintiff, to grant him any effectual relief whatever, the court will not proceed to a formal judgment, but will dismiss the appeal." (*Consol. etc. Corp. v. United A. etc. Workers* (1946) 27 Cal.2d 859, 863.)

As noted *ante*, we have affirmed the court's orders in case Nos. D051010 and D051883, and, as the present appeal is premised upon a reversal in those two prior

² On January 08, 2009, we granted Debra's unopposed motion to take judicial notice of the record in case Nos. D051010 and D051883.

appeals, we cannot grant Jeffrey effective relief. Accordingly, this appeal is moot and must be dismissed.

DISPOSITION

The appeal is dismissed as moot. Debra shall recover her costs on appeal.

NARES, J.

WE CONCUR:

HUFFMAN, Acting P. J.

McDONALD, J.